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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/692,342

10/22/2003

Kenji Ogasawara

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20350 7590 10/17/2007

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EXAMINER

OLSON, JASON C

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,342

Applicant(s)

OGASAWARA ET AL.

Examiner

Jason C. Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10-13, 15-18 and 22-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-13, 15-18 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The allowability of claims 12, 13, 15-18, and 23-28, as stated in the previous office action mailed 07/24/2007, is currently withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-8, 10-13, 15-18, and 22-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitations "a growth program", "an optimized hard disk drive", "a basic program", "self-optimization". The examiner is unable to ascertain the scope of the claimed invention because the terms: growth program, optimized hard disk drive, basic program, and self-optimization, are indefinite. The definition of a "growth program" and a "basic program" are not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the limitations in the claim. The term "optimization" is indefinite because it is relative. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Regarding claim 12, the term "optimization" in the claim is a relative term which renders the claim indefinite. The term "optimization" is not defined by the claim, the

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specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The hard disk drive is further rendered indefinite because it is defined in terms of optimization. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Claim 23 recites the limitations “optimization/inspection process” and “a growth program”. The examiner is unable to ascertain the scope of the claimed invention because the terms: growth program and optimization/inspection process, are indefinite. The definition of a “growth program” and an “optimization/inspection process” are not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the limitations in the claim. The term “optimization” is indefinite because it is relative. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Claim 25 recites the limitation “inspection process”. The examiner is unable to ascertain the scope of the claimed invention because the terms inspection process, is indefinite. The definition of an “inspection process” is not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the limitations in the claim. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

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Claim 26 recites the limitations “optimization/inspection process” and “a growth program”. The examiner is unable to ascertain the scope of the claimed invention because the terms: growth program and optimization/inspection process, are indefinite. The definition of a “growth program” and an “optimization/inspection process” are not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the limitations in the claim. The term “optimization” is indefinite because it is relative. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Claim 27 recites the limitations “optimization/inspection process” and “a growth program”. The examiner is unable to ascertain the scope of the claimed invention because the terms: growth program and optimization/inspection process, are indefinite. The definition of a “growth program” and an “optimization/inspection process” are not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the limitations in the claim. The term “optimization” is indefinite because it is relative. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Claim 28 recites the limitation “a finished hard disk drive”. The examiner is unable to ascertain the scope of the claimed invention because the terms: finished hard disk drive is indefinite. The definition of a “finished hard disk drive” is not inherent to an artisan in the art, and the examiner is unable to determine the meets and bounds of the

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limitation in the claim. The examiner suggests that the applicant specifically define the limitations above in the claim such that one of ordinary skill in the art would be able to ascertain the scope of the invention.

Allowable Subject Matter

Claims 2-8, 10-13, 15-18, and 22-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571)272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JCO/

/William Korzuch/

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